

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:11cv210

MEGAN E. DOLAN,)
Plaintiff,)
vs.) ORDER OF REMAND
MICHAEL J. ASTRUE,)
Commissioner of Social Security)
Administration,)
Defendant.)

)

THIS MATTER is before the Court on the Defendant's Assented to Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant. [Doc. 13]. The Plaintiff consents to the motion.

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Defendant here has moved for reversal of his decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand to the Commissioner, the Appeals Council shall instruct the ALJ to evaluate and explain the weight given to the February 2009 opinion of Plaintiff's treating psychiatrist, Dr. Bierrenbach. The ALJ also will further evaluate Plaintiff's mental impairments, reassess her residual functional capacity (RFC), and express the RFC finding in work-related limitations. If appropriate, the ALJ will obtain supplemental evidence from a vocational expert.

IT IS, THEREFORE, ORDERED that the Defendant's Assented to Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to the Defendant [Doc. 13] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

IT IS SO ORDERED.

Signed: April 9, 2012



Martin Reidinger
United States District Judge

